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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,627	03/15/2004	Yuji Kawasaki	0756-7270	8404

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EXAMINER
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EL-ZOOBI, MARIA

ART UNIT	PAPER NUMBER
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4178

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,627	<b>Applicant(s)</b> KAWASAKI ET AL.	
	<b>Examiner</b> Maria El zoobi	<b>Art Unit</b> 4178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/15/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/505947.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>All</u> . | 6) <input type="checkbox"/> Other: ____  |

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## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application

No.08/505947, filed on 7/24/1995

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 4, 7, 8, 10, 14, 17, 18 and 20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 12, 15, 24, and 27 of U.S. Patent No. 6,707,484.

Application claims 4 and 7 and patented application claims 1 and 4 or 12 and 15 or 24 and 27 are drawn to the same invention, "personal computer/videophone ". These claims differ in scope in that application claims 4 and 7 are broader in scope than the patented application claims.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the patented claims by omitting some limitations so to obtain application claims 4 and 7 as claimed.

Allowance of application's claims 4 and 7 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims 1 and 4.

Application claims 8 and 10 and patented application claims 1 and 4 or 12 and 15 or 24 and 27 are drawn to the same invention, "work station/videophone ". These claims differ in scope in that application claims 8 and 10 are broader in scope than the patented application's claims.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the patented application's claims by omitting some limitations so to obtain application claims 8 and 10 as claimed.

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Allowance of application claims 8 and 10 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims.

Application claims 14 and 17 and patented application claims 1 and 4 or 12 and 15 or 24 and 27 are drawn to the same invention, "personal computer/videophone ". These claims differ in scope in that application claims 14 and 17 are broader in scope than the provisional application claims.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the patented application's claims by omitting some limitations so to obtain application claims 14 and 17 as claimed.

Allowance of application claims 4 and 7 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims.

Application claims 18 and 20 and patented application claims 1 and 4 or 12 and 15 or 24 and 27 are drawn to the same invention, "work station/videophone ". These claims differ in scope in that application claims 18 and 20 are broader in scope than the patented application claims.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the patented application's claims by omitting some limitations so to obtain application claims 18 and 20 as claimed.

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Allowance of application claims 18 and 20 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims.

Claims 4, 7, 8, 10, 14, 17, 18, and 20 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 4, 5, 6 and 7 of U.S. Patent No.6, 307,948

Application claims 4 and 7 and patented application claims 1 or 2 or 3 or 4 or 5 or 6 or 7 are drawn to the same invention, "personal computer/videophone". These claims differ in scope in that application claims 4 and 7 are broader in scope than patented application claims.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the mentioned patented application claims by omitting some limitations so to obtain application claims 4 and 7 as claimed.

Allowance of application claims 4 and 7 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims.

Application claims 8 and 10 and patented application claims 1 or 2 or 3 or 4 or 5 or 6 or 7 are drawn to the same invention, "personal computer/videophone". These

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claims differ in scope in that application claims 8 and 10 are broader in scope than patented application claims.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the mentioned patented application claims by omitting some limitations so to obtain application claims 8 and 10 as claimed.

Allowance of application claims 8 and 10 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims.

Application claims 14 and 17 and patented application's claims 1 or 2 or 3 or 4 or 5 or 6 or 7 are drawn to the same invention, "work station/videophone". These claims differ in scope in that application claims 14 and 17 are broader in scope than patented application claims.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the mentioned patented application's claims by omitting some limitations so to obtain application claims 14 and 17 as claimed.

Allowance of application's claims 14 and 17 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims.

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Application claims 18 and 20 and patented application claims 1 or 2 or 3 or 4 or 5 or 6 or 7 are drawn to the same invention, "work station/videophone". These claims differ in scope in that application claims 18 and 20 are broader in scope than the patented application claims.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the mentioned patented application claims by omitting some limitations so to obtain application claims 18 and 20 as claimed.

Allowance of application claims 18 and 20 would result in an unjustified time-wise extension of the monopoly granted for the invention defined by patented application claims.

If the applicant agrees that there exists a provisional non-statutory obviousness-type double patenting between the Application and the above co-pending Applications; then the Examiner requests Applicant to provide a Terminal Disclaimer between the Application and Patent No. 6,307,948 and a Terminal Disclaimer between the Application and Patent No. 6,707,484 and a Terminal Disclaimer between Patent No. 6,307,948 and Patent No. 6,707,484.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:



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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-9,11-16 and 18-19 are rejected under 35 U.S.C. 102(e) as being unpatentable by Schindler (US 5,675,390).

Regarding claim 1, Schindler discloses, a personal computer (Fig. 1, el. 118) comprising:

a micro-processing unit (Fig. 3, el. 310);

a display unit operationally connected to the micro-processing unit (Fig. 1, el. 122);

a speaker operationally connected to the micro processing unit (Fig. 3, el. 338 and 340); and

a microphone operationally connected to the micro processing unit (Fig. 12, el. 1244).

Regarding claim 2, Schindler discloses, the personal computer further comprising a keyboard (Fig.10, el. 126).

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Regarding claim 3, Schindler discloses, the personal computer further comprising a memory (Fig. 3, el. 314).

Regarding claim 4, Schindler discloses, personal computer (Fig. 1, el. 118) comprising:

- a micro-processing unit (Fig. 3, el. 310);
- a display unit operationally connected to the micro processing unit (Fig. 1, el. 122);
- a speaker operationally connected to the micro processing unit (Fig. 3, el. 338 and 340);
- a camera operationally connected to the micro-processing unit (Fig.15, el. 1532);
- a microphone operationally connected to the micro processing unit (Fig. 12, el. 1244).

Regarding claim 5, Schindler discloses, the personal computer comprising a keyboard (Fig. 10, el. 126).

Regarding claim 6, Schindler discloses, the personal computer comprising a memory (Fig. 3, el. 314).

Regarding claim 8, Schindler discloses, a personal computer (Fig.1, el. 118) comprising:

- a micro processing unit (Fig.3, el. 310)

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a display unit operationally connected to the micro processing unit (Fig. 1, el. 122);

a speaker operationally connected to the micro processing unit (Fig. 3, el. 340 and 338);

a memory operationally connected to the micro processing unit (Fig. 3, el. 314 and Fig. 5, el. 518);

a multiplexer operationally connected to the memory (Fig. 5, el. 540);

a microphone (Fig.15, el. 1512) operationally connected to the multiplexer (Fig.15, el.1524) through an A/D converter (Fig.15, el.1516)

a camera (Fig.15, el. 1532) operationally connected to the multiplexer (Fig. 15, el. 1524) through a digital signal processor (Fig.15, el. 1536).

Regarding claim 9, Schindler discloses the personal computer discloses, a keyboard (Fig. 10).

Regarding claim 11, Schindler discloses, a workstation (Fig. 1, el. 118) comprising:

a micro-processing unit (Fig. 3, el. 310);

a display unit operationally connected to the micro processing unit (Fig. 1, el. 122);

a speaker operationally connected to the micro processing unit (Fig. 3, el. 338 and 340); and

a microphone operationally connected to the micro processing unit (Fig. 12, el. 1244).

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Regarding claim 12, Schindler discloses, the workstation comprising a keyboard (Fig. 10, el. 126).

Regarding claim 13, Schindler discloses, the workstation comprising a memory (Fig. 3, el. 314).

Regarding claim 14, Schindler discloses, a workstation (Fig. 1, el. 118) comprising:

- a micro-processing unit (Fig. 3, el. 310);
- a display unit operationally connected to the micro-processing unit (Fig. 1, el. 122);
- a speaker operationally connected to the micro-processing unit (Fig. 3, el. 338 and 340);
- a camera operationally connected to the micro processing unit (Fig. 15, el. 1532)
- a microphone operationally connected to the micro processing unit (Fig. 12, el. 1244).

Regarding claim 15, Schindler discloses, the workstation comprising a keyboard (Fig. 10, el. 126).

Regarding claim 16, Schindler discloses, the workstation comprising a memory (Fig. 3, el. 314).

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Regarding claim 18, Schindler discloses, a workstation (Fig.1, el. 118) comprising:

- a micro processing unit (Fig.3, el. 310)
- a display unit operationally connected to the micro processing unit (Fig. 1, el. 122);
- a speaker operationally connected to the micro processing unit (Fig. 3,el. 340, 338);
- a memory operationally connected to the micro processing unit (Fig. 3,el. 314 and Fig. 5, el. 518);
- a multiplexer operationally connected to the memory (Fig. 5, el. 540);
- a microphone (Fig. 15, el. 1512) operationally connected to the multiplexer (Fig. 15, el. 1524) through an A/D converter (Fig. 15, el. 1516)
- a camera (Fig. 15, el. 1532) operationally connected to the multiplexer (Fig. 15,el. 1524) through a digital signal processor (Fig. 15, el. 1536).

Regarding claim 19, Schindler discloses, the workstation comprising a keyboard (Fig. 10).

***Allowable Subject Matter***

2. Claims 7, 10, 17 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and the Applicant provides a Terminal Disclaimer for each double patent rejection as set forth in the office action.

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### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria El Zoobi whose telephone number is 571-270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M EL

  
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PRIMARY PATENT EXAMINER